

Mr. Caldwell moved to adjourn till to-morrow morning, at 8 o'clock—lost.

On motion of Mr. Taylor of Cass, the Senate adjourned till 8 o'clock, P. M.

8 O'CLOCK, P. M.

Senate met—roll called—no quorum present.

On motion of Mr. Weatherford, the Senate adjourned until 8 o'clock, to-morrow morning.

THURSDAY, August 28th, 1856.

The Senate was called to order by the President, pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Taylor of Cass, from the Committee on Enrolled Bills, reported the following bills correctly enrolled, properly signed, and this day presented to the Governor, viz :

A bill for the relief of Mercer Faine, sr., and Wm. M. Hewit.

" " " heirs of Jno. B. Adams & Ann Adams.

" " " Francis Blundell.

" " " John G. Todd.

" " " M. P. Sharp.

" " " Robt. S. Patton.

" to incorporate the town of Augusta.

" " " Jamestown Academy.

" " " Texas Insurance and Saving Fund

Association.

A bill for the erection of a Lunatic Asylum.

" to amend the 1st section of an act for the relief of E. P. Prater.

A bill authorizing the sale of a portion of the bonds now in the Treasury of the State ; and

A bill to amend the first section of an act entitled An act to amend the second and seventh sections of an act entitled an act to organize the Supreme Court of the State of Texas, approved the 12th of May, 1846, approved Nov. 30th, 1850.

The following communication was received from the Governor, with the accompanying documents :

EXECUTIVE OFFICE,  
Austin, Texas, 27th August, 1856.

*Gentlemen of the Senate,  
and House of Representatives:*

I transmit herewith, for the information of the Legislature, a letter from James B. Shaw, Esq., Comptroller of Public Accounts, which was received at this office last evening, from which it will be seen that the United States Congress has passed an act extending the time for the payment of the Texas debt, (under the act of Congress of the 28th of February, 1855,) until the first day of January, 1857, after which time any residue of the fund of \$7,750,000 is to be divided among all the creditors whose claims are filed with the Secretary of the Treasury up to that date.

The effect of this act of Congress will be to cut off from any payment whatever, all those creditors whose claims may not be filed with the Secretary of the Treasury previous to the 1st day of January, 1857. Our act accepting the act of Congress of the 28th day of February, 1855, was purposely framed so as to prevent such a result. Our act recapitulates the amount and description of debt which we considered as coming within the provisions of the act of Congress of the 28th of February, 1855, and then consented that the \$7,750,000 appropriated by Congress, should be apportioned *pro rata* among the holders of the debt so recapitulated.

It was foreseen by us that a portion of the debt might not be presented at the United States Treasury within the time limited, and our act of acceptance was thus framed in order that the *pro rata* of those creditors whose claims might not be filed in time, should remain in the United States Treasury, to be paid to them whenever they should afterwards file their claims.

This view of the subject was fully presented by me to the Secretary of the Treasury, in a letter of the 5th of February last, inclosing him a certified copy of our act of acceptance. A copy of that letter is herewith transmitted.

I also transmit a letter from the Secretary of the Treasury, dated 1st March, 1856, in reply to my letter of the 5th of February, in which he expresses his concurrence with the construction placed by us upon said act of Congress, and at the expiration of the time limited for the presentation of the debt, he proceeded to apportion the fund of \$7,750,000 among all



the creditors described in our act of acceptance, and paid those whose claims were presented to him in accordance with that apportionment, returning in the Treasury the *pro rata* of those whose claims had not been presented.

The amount of the fund thus retained in the Treasury, belongs justly to those creditors whose claims were not filed in time, and neither the Secretary of the Treasury nor Congress have any legal right to make any other application of it. These claims are equally as meritorious as those which were filed in time and received their *pro rata*.

I concur fully with the opinion expressed by Mr. Shaw in his letter, that this act of Congress diverting the residue of this fund from the payment of those creditors whose claims were not filed in time, is a violation of our act of acceptance, and that the Legislature should protest against it, and declare that we hold the United States responsible for diverting this residue of the fund from the purposes to which it is applicable under our act of acceptance.

This matter is submitted to your consideration with the full belief that you will take such action in regard to it, before your adjournment, as the honor of our State seems to demand.

E. M. PEASE.

EXECUTIVE OFFICE, }

Austin, Texas, 5th Feb., 1856. }

SIR:—I send you enclosed a certified copy of a law of this State, entitled "An act giving the assent of the State of Texas to "An act to provide for the payment of such creditors of the late Republic of Texas, as are comprehended in the act of Congress of September 9th, 1850," which was passed at the second session of the Thirty-third Congress of the United States, and approved Feb. 28th, 1855."

You will perceive that this law declares that the ostensible amount of the debt of the late Republic of Texas, which under the report of Mr. Corwin, and the opinion of Mr. Cushing, comes within the provisions of the act of the 9th of September, 1850, with interest thereon, according to the laws of Texas, is ten millions seventy-eight thousand seven hundred and three dollars and twenty-one cents, and also describes the character of the present evidences of this debt, and that it then provides that the State of Texas assents to the act of Congress of the 28th of Feb., 1855, with the said declaration of the debts that she understands to be embraced in its



provisions, and among which the said sum of seven millions seven hundred and fifty thousand dollars are to be apportioned *pro rata*.

We believe this to be the true construction of the act of the 28th of Feb., 1855, and that it is the construction you will place upon it. Under this construction, should any of the creditors fail to file their evidences of debt at the Treasury Department, within the time limited, their *pro rata* amount of the fund will remain in the States' Treasury, and can be paid to them whenever their evidences may be afterwards presented: any other construction than this might result in giving the entire seven millions seven hundred and fifty thousand dollars to a part of the creditors who may file their claims within the time limited, for this debt is diffused into so many hands that it is nearly certain all will not be advised of the provision for its payment in time to file their claims.

The statement of the amount of the debt and interest may be relied on, as entirely correct, and also of the character of the present evidences of it, they were prepared with great care by the Comptroller of this State, who has been connected with the Treasury of Texas since 1837, and is perfectly familiar with the history of this debt. It includes every debt that either Mr. Corwin or Mr. Cushing considered to be within the provisions of the act of 9th of September, 1850.

You will also perceive that while Texas withdraws and abandons all claims and demands against the United States, growing out of Indian depredations or otherwise, which originated on or before the 28th of Feb., 1855, there is a proviso attached "that this abandonment shall not apply to claims of individuals for losses of property by the enemy."

This proviso was entirely unnecessary, and I do not think it affects the abandonment; for Texas was not required to withdraw or abandon any claims belonging to individuals, but only such as the State might have.

I trust you will agree with the construction that Texas has placed upon the act of the 28th of February, 1855, and will consider yourself authorized to give effect to it, without the necessity of any further action of Congress.

I shall be pleased to learn your views in regard to this law, as early as convenient, and should you proceed to act under it, I wish you to send me the form of releases that will be required, before payments will be made, and state how they must be authenticated.



You are aware, I presume, that a large number of the forgeries of the evidences of this debt, are in circulation; to detect these, the Comptroller of this State will visit Washington, before any one of them are paid—nearly all of these evidences were issued since he has been connected with the Treasury of Texas—he is familiar with the handwriting of all the officers by whom they were signed and can readily detect all the forgeries.

I have the honor to be,

Very respectfully,

Your Obedient Servant,

E. M. PEASE.

To James Guthrie, Esq.,  
Secretary of the Treasury.

TREASURY DEPARTMENT, {

March 1st, 1856. }

SIR:—*I have the honor to acknowledge the receipt of the act of the State of Texas, with your letter of the 5th ult.*

A copy of the official notice issued by this Department, on the 27th ult., is herewith enclosed, appended to which you will find the form of the release which you request. *The terms of the notice sufficiently show my concurrence with your concurrence of the act of Congress.*

It being expected that the claimants will immediately commence filing claims under this act, this Department desires to investigate and pass upon them as speedily as may be, preparatory to the payments to be made at the time prescribed by the notice. It is therefore desirable that the officer you propose to send hither to examine and verify the original evidences of debt, should come as soon as convenient.

Very respectfully,

Your Obedient Servant,

JAMES GUTHRIE,

Secretary of the Treasury.

His Excellency E. M. Pease,  
Governor of Texas, Austin.

WASHINGTON, Aug. 18, 1856.

To Governor E. M. Pease,  
Austin, Texas.

Congress has passed an act extending the time for the pay-



ment of Texas claims, until January '57, and divides the balance then on hand, amongst the creditors who have been settled with. This is a violation of the act of acceptance by Texas. The Legislature should pass an act against such a course, and stating that the United States will be held liable for diverting any portion of the funds from the purposes as stipulated by Texas in her legislative act of acceptance.

JAS. B. SHAW.

Mr. Taylor of Cass, moved to refer the message and documents to a Joint Select Committee.

On motion of Mr. Burroughs, the motion was amended by adding "and that 1,000 copies be printed for the use of the Senate."

The motion was then carried.

Messrs. Bryan, Burroughs and Scarborough were appointed the Committee.

Mr. Taylor of Cass, from the Committee on Enrolled Bills, reported

A bill for the relief of Daniel R. Kincheloe, Samuel S. Montgomery, the heirs of Jesse W. Flowers, the heirs of Virgil A. Stewart, and the heirs of John Thomas, dec'd.; and

A bill for the relief of Asa Dossett,

Correctly enrolled, properly signed, and this day presented to the Governor.

Mr. Guinn, chairman of the Committee on Engrossed Bills, reported the following bills correctly engrossed:

A bill for the relief of those engaged in the Snively expedition;

A bill for the relief of John Dillon, jr.; and

A bill for the relief of parties therein named.

Mr. Taylor of Cass, from the Committee on Enrolled Bills, made the following report:

The Committee on Enrolled Bills have examined A bill to adopt and establish a Penal Code for the State of Texas," and find the same correctly enrolled. The bill has been signed by the Speaker of the House of Representatives, and the President of the Senate, and this day presented to the Governor, with the following interlineations, viz:

Page 2, article 22, line 1, one interlineation.

" 4, " 49, " 1, " "

" 7, " 76, " 2, " "

" 9, " 101, " 3, " "

" 10, " 115, " 7, " "



Page	11,	article	126,	line	2,	one interlineation.
"	15,	"	181,	"	3,	"
"	16,	"	188,	"	3,	"
"	16,	"	192,	"	2,	"
"	18,	"	215,	"	3,	"
"	22,	"	253,	"	6,	"
"	26,	"	294,	"	1,	"
"	28,	"	323,	"	1,	"
"	29,	"	329,	"	2,	"
"	30,	"	341,	"	2,	"
"	34,	"	385,	"	2,	"
"	35,	"	394,	"	1,	"
"	35,	"	396,	"	1,	"
"	35,	"	400,	"	3,	"
"	37,	"	415,	"	3,	"
"	38,	"	432,	"	1,	"
"	43,	"	488,	"	4,	two interlineations.
"	45,	"	532,	"	1,	one interlineation.
"	47,	"	554,	"	12,	"
"	48,	"	564,	"	"	"
"	48,	"	570,	"	"	"
"	49,	"	573,	"	"	"
"	50,	"	600,	"	"	"
"	52,	"	615,	"	"	"
"	65,	"	782,	"	"	"
"	66,	"	800,	"	"	"
"	67,	"	800,	"	"	"

The bill has been carefully examined and the Committee do not hesitate to report it, but feel it their duty to note the interlineations.

A message was received from the House, informing the Senate that the House had passed the following bills, originating in the House :

A bill to incorporate the city of Lavaca ; and

A bill prescribing the manner of entering land certificates or scrip, and to prohibit the lifting and floating the same.

Also, a Senate's bill for the relief of Asa Dossett ; and

A bill concerning the public printing, with amendments.

On motion of Mr. Taylor of Cass, the rule was suspended, and the bill concerning the public printing taken up, and the amendments of the House concurred in by the Senate.

On motion of Mr. Taylor of Cass, a Senate's bill to provide for the support of schools, with amendments from the House,



was taken up, and the amendments of the House concurred in by the Senate.

Mr. Hord, chairman of the Committee on State Affairs, made the following report :

The Committee on State Affairs, to which was referred a bill to provide for the purchase of grounds and buildings for the benefit of the blind, and deaf and dumb Asylums and Schools, have instructed me to return the same to the Senate, for its consideration.

Mr. Grimes, chairman of the Committee on Finance, made the following reports :

The Committee on Finance have considered the bill for collection and republication of the general laws of Texas, together with translations of the general laws of Mexico, and of Coahuila and Texas pertaining to the granting of lands, and also the ordinances and decrees of the Provisional Government, and the Constitutions of the Republic and State of Texas. For which purpose the bill appropriates \$15,000, exclusive of the pay of Assistant, and extra compensation of the Secretary of State. Your Committee, taking into consideration that this Legislature has had before it the Code of Criminal Procedure, the Penal Code, and the Revised Statutes, revised, digested and arranged under the provisions of an act passed Feb. 10th, 1854, the two former of which have been adopted, and are now among the laws of Texas. Further, under the provisions of the Constitution, it will become the duty of the next Legislature to provide for the digesting of the laws of Texas, when it might not be improper to require the foregoing services to be performed.

The Committee are of the opinion that the passage of the bill would incur an expenditure greater than the benefits to be derived therefrom. They therefore return the bill, and recommend that no further action be had thereon.

Mr. Flanagan, chairman of the Committee on Internal Improvements, made the following report :

The Committee on Internal Improvements met the House Committee in joint session, and had before them a bill supplemental to an act to incorporate the Terraqueous Transportation Company.

Your Committee have investigated the subject contemplated, as well and as fully as they could from the drawings exhibited by General Chambers, with his very learned explanation, and your Committee, in joint session, feel proud that we have



a man of such gigantic mind in our State, as to have grappled with this mighty subject, which is calculated to do so much towards the blessing of man in a commercial, and indeed in almost every other sense of the word, and your Committee feel admonished that this is a proud day in which we live, to-wit:—the 19th century, a period in the history of the world that has not been surpassed in developements and improvements of various magnitude. Indeed, they come to the conclusion that the proposed improvement is reasonable and hopeful, and if the proud hopes of the memorialist are realized, it will prove a great blessing to the commercial world, and supersede railroads as readily as steam cars have ox and horse wagons, and looking to the great advantage that will be realized if this invention succeeds, your Committee think proper to recommend the bill favorably, with the accompanying amendment, and to recommend its passage.

[Signed]

J. W. FLANAGAN,  
Chairman.

Mr. Grimes dissenting.

Amendment: "But, if said corporation should prefer to receive said loan by separate installments of twenty-five thousand dollars each, it may secure each installment separately, in the manner herein provided for, and receive separate warrants therefor."

Mr. Superviele, from the Committee on Public Lands, made the following report:

The Committee on Public Lands, to which has been referred a House bill authorizing the Commissioner of the General Land Office to issue patents and certificates in Castro's Colony, in certain cases, have had the same under due consideration, and I am instructed by said Committee, to return the same to the Senate, and recommend its passage.

On motion of Mr. Superviele, the rule was suspended, and the report and bill taken up.

Mr. Burroughs offered the following as a substitute for the 2d section of the bill:

"That when two or more genuine certificates have been issued, calling for the same piece of land, upon the holders of said certificates filing the same with the Commissioner of the General Land Office, he shall write across the face thereof "cancelled," and retain the same in his office, and shall issue to the party entitled, a certificate for the same quantum of



land, which may be located within the limits of the colony, and not elsewhere."

Mr. Taylor of Fannin, offered the following as a substitute for the substitute offered by Mr. Burroughs.

"That when two or more parties claim the same land, by virtue of genuine certificates, and one of which has been heretofore patented, then in that case the Commissioner is required to issue a floating certificate to the other claimant, subject to location in said colony only."

On motion of Mr. Russell, the bill, report and amendments were referred to the Committee on the Judiciary.

Mr. Flanagan, chairman of the Committee on Internal Improvements, made the following report:

The Committee on Internal Improvements, to which was referred a bill to amend an act to incorporate the Sabine and Rio Grande Railroad Company, approved Feb. 6, 1850, have considered the same, and offer a substitute therefor, and recommend its passage.

On motion of Mr. Grimes, the rule was suspended, the report and bill taken up, and the substitute offered by the Committee adopted.

The bill was then ordered to be engrossed.

On motion of Mr. Grimes, the rule was further suspended, bill read a 3d time, and passed by the following vote:

YEAS—Messrs. Allen, Bryan, Burroughs, Caldwell, Flanagan, Grimes, Guinn, Hill, Hord, McDade, Maverick, Palmer, Pedigo, Scarborough, Superviele, Taylor of Fannin, Weatherford, Whitaker, and White—19.

NAYS—Messrs. Armstrong, Russell, Taylor of Cass, and Truit—4.

On motion of Mr. Taylor of Fannin, the bill supplemental to an act making appropriations for the use and support of the State Government, for the years 1856 and 1857, was taken up and read.

Mr. Allen offered the following as a substitute for that clause in the bill relating to the salaries of the District Court Judges:

"For increased salaries of District Court Judges, qualified after the approval of the act of 2d of Feb., 1856, \$500 each, annually, or so much thereof as may be necessary."

Mr. Flanagan offered the following as a substitute for Mr. Allen's substitute:

"And there is hereby a further appropriation of \$2,000, to



anticipate the resignation of any District Judge who is now presiding, and as increased pay for any time accruing for the present two years after he may be re-elected—rejected.

And the substitute offered by Mr. Allen was then rejected.

Mr. Burroughs offered the following amendment to that clause in the bill relating to District Attorneys.

“Salaries of four District Attorneys, \$500 each annually,”—adopted.

On motion of Mr. Allen, that clause in the bill relating to the Court of Claims was amended by adding :

“For one Assistant Clerk, \$900 annually,—\$1,800, or so much thereof as may be necessary.”

Mr. Allen moved to amend the bill by striking out all in the bill relating to pay of Commissioners to prepare a Code, &c.—lost by the following vote :

YEAS—Messrs. Allen, Caldwell, Flanagan, Millican, Russell, Taylor of Fannin, Weatherford, White, and Wren—8.

NAYS—Messrs. Armstrong, Bryan, Burroughs, Grimes, Guinn, Hill, Hord, McCulloch, McDade, Martin, Maverick, Palmer, Pedigo, Scarborough, Superviele, Taylor of Cass, Truit, and Whitaker—18.

Mr. Burroughs moved to strike out all relating to pay for the rent of the house for the use of the Governor,—lost by the following vote :

YEAS—Messrs. Allen, Armstrong, Burroughs, Guinn, Maverick, Millican, Superviele, Taylor of Fannin, Weatherford, and White—10.

NAYS—Messrs. Bryan, Caldwell, Flanagan, Grimes, Hill, Hord, McCulloch, McDade, Martin, Palmer, Scarborough, Taylor of Cass, Truit, Whitaker, and Wren—15.

Mr. Taylor of Cass, moved to strike out “\$1,000,” the clause relating to sub-engineer, and insert “\$3,000, or so much thereof as may be necessary,”—lost by the following vote :

YEAS—Messrs. Bryan, Burroughs, Hill, McCulloch, McDade, Maverick, Palmer, Scarborough, Superviele, Taylor of Cass, Truit, and Whitaker—12.

NAYS—Messrs. Allen, Armstrong, Caldwell, Flanagan, Grimes, Hord, Martin, Millican, Taylor of Fannin, Weatherford, White, and Wren—12.

Mr. Martin moved to reconsider the vote just taken.

On motion of Mr. Taylor of Fannin, a call of the Senate was ordered.

Absent : Mr. Russell.



On motion of Mr. Taylor of Cass, the call was suspended, and the vote reconsidered.

On motion of Mr. White, a division of the question was ordered, and the motion to strike out prevailed by the following vote :

YEAS—Messrs. Bryan, Burroughs, Hill, Hord, McCulloch, McDade, Martin, Maverick, Palmer, Pedigo, Scarborough, Superviele, Taylor of Cass, Truit, and Whitaker—15.

NAYS—Messrs. Allen, Armstrong, Caldwell, Flanagan, Grimes, Guinn, Millican, Russell, Taylor of Fannin, Weatherford, White, and Wren—12.

The blank was then filled with "\$3,000, or so much thereof as may be necessary."

On motion of Mr. Burroughs, the bill was amended by striking out all relating to payment of Comptroller's Chief Clerk—acting in the capacity of Comptroller—being the difference between his and the Comptroller's salaries.

On motion of Mr. Millican, the bill was amended by striking out all having reference to the Clerk of the late Adjutant General.

Mr. Weatherford moved to strike out all relating to the salary of W. L. Chalmers, as Deputy Clerk of the Supreme Court.

On motion of Mr. Flanagan, "\$300" was stricken out, and "\$100" inserted.

Mr. Taylor of Cass, moved to strike out all relating to Ernst Raven for taking care of Old Capitol—carried.

On motion of Mr. Burroughs, all relating to payment of J. M. Thibeaux, for repairs on the Old Capitol, was stricken out.

Mr. Taylor of Fannin, offered the following amendment, as an independent section :

"For pay of two guards for Land Office, from the 17th of May, 1856, to the 1st of September, 1856, forty dollars per month each—\$280.

"For pay of 2 guards for Land Office, from the 1st Sept., 1856, to 1st of November, 1857, at \$30 per month each, to be expended at the option of the Governor and Commissioner of the General Land Office—\$780.—Adopted.

On motion of Mr. Grimes, the blank in the clause relating to printing was filled with "\$20,000, or so much thereof as may be necessary."

On motion of Mr. Taylor of Cass, the clause was amended



by adding "and this appropriation shall include the binding of the Codes."

Mr. Russell moved to strike out all relating to the pay of James H. Gillett, as Adjutant General—lost.

On motion of Mr. Taylor of Cass, all relating to the payment of Noah T. Byers, was stricken out.

Mr. Taylor of Cass, offered the following amendment :

"For boats, hire of hands, &c., in making the necessary examination of rivers, bayous, lakes, and bays, \$3,000, or so much thereof as may be necessary, provided that all the appropriations in this bill, relative to the salaries, &c., connected with the improvement of the rivers, shall be drawn from the fund set aside under the river bill."—Adopted.

Mr. Hord offered the following amendment :

"To J. L. Haynes, the sum of \$83 33, for twenty days service as Clerk of the Board of Land Commissioners, to investigate land titles west of the Nueces"—rejected.

On motion of Mr. Grimes, the bill was amended by adding :

"To F. R. Lubbock, for payment of 2d class certificate of public debt, per act approved Aug 12th, '56, \$356 00."

Also by adding : "\$3,934 70, to be paid to the heirs and legal representatives of Archibald Fitzgerald."

Also, by adding : "To T. B. P. Hollinsworth, for acting as Clerk of the investigating committee, from 8th August, to the 28th inclusive, being 18 days, at \$5 00 per day, \$90 00."

On motion of Mr. Bryan, the bill was amended by adding :

"The sum of \$1000 to aid in enclosing the graves, and in erecting a monument over the remains of those who fell in the battle of San Jacinto, and were buried on the battle field."

Mr. Flanagan offered the following amendment :

"To H. M. Smith, who was permanently disabled in the Cherokee fight, on the 16th of July, 1839 ; \$100 annually, \$200 00"—adopted.

On motion of Mr. Taylor of Cass, the bill was amended by striking out "\$3000, for contingent expenses," and insert "\$5000 for contingent expenses."

Mr. Burroughs offered the following as a substitute for the section relating to District Judges :

"Increased salary of 14 Judges of the District Courts, five hundred dollars each annually. Salary of 4 Judges of the District Court \$2,250 each, annually"—adopted.

The bill was then ordered to be engrossed.



On motion of Mr. Taylor of Cass, the rule was suspended, bill read 3d time and passed by the following vote :

YEAS—Messrs. Bryan, Burroughs, Caldwell, Flanagan, Grimes, Guinn, McCulloch, McDade, Martin, Maverick, Millican, Palmer, Scarborough, Superviele, Taylor of Cass, Truit, Whitaker and Wren—18.

NAYS—Messrs. Russell, Taylor of Fannin, Weatherford and White—4.

A message was received from the Governor, transmitting the following communication :

- EXECUTIVE OFFICE, }  
AUSTIN, Texas, 28th August, 1856. }

*Gentlemen of the Senate  
and House of Representatives :*

A Joint Resolution was passed on the 13th February, 1854, appropriating \$1000 00 to build a Tomb over the grave of General Edward Burleson, and the Governor was required to carry the resolution into effect.

I found upon making inquiry, of those who are familiar with such matters, that a suitable tomb of durable materials could not be erected for the amount of the appropriation, and I have therefore taken no further action in regard to it.

At the passage of this resolution, a cheap monument was being constructed by the family of the deceased, which has since been completed, but it is without an enclosure, so that it is liable to be broken and destroyed.

This matter is now submitted to your consideration in order that if you see proper, a further appropriation may be made, sufficient to erect a durable monument worthy of the deceased.

If this is not done, I would recommend that the appropriation heretofore made shall be applied to pay for the monument already erected by his family, and to enclose the ground around it with a neat iron railing.

E. M. PEASE.

On motion of Mr. Taylor of Cass, the vote passing the appropriation bill, was reconsidered, and the bill amended by adding :

“For erecting a tomb on the grave of Gen. E. Burleson, to be expended under the direction of the Governor, \$3,000.”

The bill was then passed.

Mr. Bryan presented the memorial of James Hamilton—referred to the Select Committee on the Governor's communication relative to Public Debt.



On motion of Mr. White, A bill for the relief of J. H. Barnard, was taken up, and read 1st time.

Rule suspended, bill read 2d time and passed to 3d reading.

Rule further suspended, bill read 3d time and passed.

On motion of Mr. McDade, A bill for the relief of the heirs of Stephen Z. Hayle, was taken up and read 1st time.

Rule suspended, bill read 2d time and referred to the committee on Claims and Accounts.

On motion of Mr. Allen, A bill to incorporate the Mantua Institute—was taken up and read 1st time.

Rule suspended, bill read 2d time and passed to 3d reading.

On motion, the Senate adjourned til 8 o'clock, P. M.

8 O'CLOCK, P. M.

Senate met—roll called—quorum present.

A bill to incorporate the Mantua Institute, under consideration when the Senate adjourned—read and passed by the following vote :

YEAS—Messrs. Allen, Armstrong, Bryan, Burroughs, Caldwell, Grimes, Guinn, Hill, Hord, McCulloch, Martin, Maverick, Millican, Palmer, Pedigo, Russell, Scarborough, Superviele, Taylor of Cass, Truit, Weatherford and Whitaker—22.

NAYS—None.

A bill to authorize certain counties and incorporated cities and towns to aid in the construction of Railroads by subscription to their stock, and make provisions for the payment of the same—was taken up and read 3d time.

Mr. Millican moved to amend by adding :

"Provided, the provisions of this act shall not apply to the counties of Brazos, Burleson, Robertson and Leon"—lost.

Mr. Maverick offered the following amendment :

"Provided, that it shall appear from the returns of said election, that two-thirds of the legal voters have cast their votes for this tax."

Mr. Palmer moved to lay the amendment on the table, lost by the following vote :

YEAS—Messrs. Allen, Caldwell, Hill, Palmer, Whitaker and White—6.

NAYS—Messrs. Armstrong, Bryan, Burroughs, Flanagan, Grimes, Guinn, McCulloch, Maverick, Millican, Pedigo, Russell, Scarborough, Superviele, Taylor of Cass, Truit and Weatherford—16.

Mr. Palmer moved to amend the amendment by inserting, after the words "two-thirds," "of all the voters voting at



said election—lost, and the amendment adopted by the following vote:

YEAS—Messrs. Armstrong, Bryan, Burroughs, McCulloch, Maverick, Millican, Pedigo, Scarborough, Superviele, Taylor of Cass, Truit and Weatherford—12.

NAYS—Messrs. Caldwell Flanagan, Grimes, Guinn, Hill, Hord, Palmer, Russell, Whitaker and Wren—10.

Mr. Weatherford moved to amend by adding:

“Provided, that the provisions of this act shall not apply to the counties of Dallas, Tarrant, Johnson, Ellis and Parker.

Mr. Flanagan moved to lay the amendment on the table.

Carried by the following vote:

YEAS—Messrs. Bryan, Caldwell, Flanagan, Grimes, Guinn, Hill, Hord, McCulloch, Palmer, Pedigo, Russell, Superviele and Whitaker—13.

NAYS—Messrs. Armstrong, Burroughs, Maverick, Millican, Scarborough, Taylor of Cass, Truit, Weatherford and White—9.

Mr. McCulloch moved to insert after the “shall be,” “advertised in the newspaper or papers, if there be any published in the county, and by”—adopted.

On motion of Mr. Millican, a call of the Senate was ordered.

Absent—Messrs. Allen, Martin, McDade, Taylor of Fannin and Wren.

On motion of Mr. Pedigo, A bill to amend an act to incorporate the Terraqueous Transportation Company, with the report of the Joint Internal Improvement committee, offering amendment thereto, was taken up and the amendment adopted.

Mr. McCulloch moved to strike out all relating to the loan.

Lost by the following vote:

YEAS—Messrs. Armstrong, Grimes, Guinn, McCulloch, Maverick, Palmer, Russell, Superviele, Whitaker and White—10.

NAYS—Messrs. Bryan, Burroughs, Caldwell, Flanagan, Hill, Hord, Millican, Pedigo, Scarborough, Taylor of Cass, Truit and Weatherford—12.

Mr. Guinn moved to strike “ten years in which to repay the money loaned,” and insert “two years.”

Mr. Flanagan moved to amend the amendment by striking out “two” and inserting “five”—carried.

The amendment adopted.

The bill was then ordered to be engrossed by the following vote:



YEAS—Messrs. Bryan, Burroughs, Caldwell, Flanagan, Hill, Hord, Millican, Pedigo, Scarborough, Truit, Weatherford and Whitaker—12.

NAYS—Messrs. Armstrong, Grimes, Guinn, McCulloch, Maverick, Palmer, Russell, Superviele, Taylor of Cass and White—10.

On motion of Mr. Flanagan, the rule was suspended, bill read 3d time and rejected by the following vote.

YEAS—Messrs. Bryan, Caldwell, Flanagan, Hill, Hord, Millican, Pedigo, Scarborough, Truit and Weatherford—10.

NAYS—Messrs. Armstrong, Burroughs, Grimes, Guinn, McCulloch, Maverick, Palmer, Russell, Superviele, Taylor of Cass, Whitaker and White—12.

Two-thirds being necessary to its passage.

A message was received from the House informing the Senate that the House had passed the following bills originating in the House.

A Joint Resolution endorsing the administration of President Pierce ; and

A bill to relinquish the right of the State to certain lands therein named.

Also the following bills originating in the Senate :

A bill to fix the compensation for saving cotton found in any of the waters of this State, or on the coast thereof, in the Gulf of Mexico.

A bill for the protection of the lands that have been or may hereafter be granted for the purposes of Education.

A bill to change the boundaries of the counties of Calhoun, Victoria and Refugio.

A bill relating to the duties of Assessors and Collectors.

A bill to incorporate the Galveston Rope, Cordage and Cotton Manufacturing company.

A bill to repeal an act to provide for the issuance of bounty and donation warrants, to persons entitled to the same.

A bill to authorize the Governor to cause the unlocated balance of the University lands to be located.

A bill requiring the return of unconditional certificates to the General Land Office.

A bill to incorporate Milam Lodge No. 23, I. O. O. F.; and

A Joint Resolution proposing an amendment to the Constitution.

Also, A bill authorizing the U. S. Marshal to use the Jails



of the different counties in this State for certain purposes ; with amendments.

Also, that the House had concurred in the amendments of the Senate to the following bills :

A bill for the relief of S. R. Peck.

“ “ “ “ John T. Miller, assignee.

A bill to authorize the Clerk of the District Court of Harrison county to apportion the causes of said court.

A bill to amend an act to incorporate the Buffalo Bayou, Brazos and Colorado Railroad Company.

A bill to authorize the sale of the University lands.

A bill to incorporate the Nueces and San Patricio Shell Road and Bridge Company ; and

A bill to define the time of holding Courts in the 5th Judicial District.

And that the House had appointed Messrs. Waelder, Smith of Harris, Dickson of Grimes, Stedman and Throckmorton, a committee on the part of the House, upon the communication of the Governor relative to the late act of Congress, upon the subject of the Public Debt of Texas.

On motion of Mr. Grimes, the Senate adjourned until tomorrow morning, at 8 o'clock.

FRIDAY, Aug. 29, 1855.

The Senate was called to order by the President pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Allen, chairman of the committee on enrolled bills, reported correctly enrolled, properly signed and this day presented to the Governor :

A bill for the relief of William Jourdan.

“ “ “ Joel Pierce, his heirs and assigns.

“ “ “ Alpheus D. Neil.

“ “ “ the legal representatives of Solo-

R. Peck, deceased.

A bill for the relief of Jno. T. Miller, assignee of J. C. Dolby.

A bill to incorporate the Mexican Gulf and Rio Grande Railroad Company.

A bill concerning the Public Printing.

A bill to provide for the support of schools, and

A bill to prevent the sale of vinous, spirituous or other